

FILED

IN THE UNITED STATES DISTRICT COURT

2014 JUN 18 PM 3:43

FOR THE WESTERN DISTRICT OF TEXAS

U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY                       
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGUS KELLY MCGINTY,

Defendant.

**SA 14 CR 0500**  
CRIMINAL NO.                     

**OG**

) Count 1: 18 U.S.C. § 371: Conspiracy to  
) Commit Federal Programs Bribery;

) Count 2: 18 U.S.C. § 666(a)(1)(B):  
) Federal Programs Bribery;

) Count 3: 18 U.S.C. § 1951(a): Extortion  
) under Color of Official Right;

) Counts 4-15: 18 U.S.C. §§ 1343 and  
) 1346: Honest Services Wire Fraud.

INDICTMENT

The Grand Jury charges:

General Allegations

Unless otherwise specified, at all times material to this Indictment:

1. The County of Bexar was a local government located in the State of Texas and the Western District of Texas that received federal assistance in excess of \$10,000 during the one-year period beginning January 1, 2013 and ending December 31, 2013.

2. The State of Texas was a State government that received federal assistance in excess of \$10,000 during the one-year period beginning January 1, 2013 and ending December 31, 2013.

3. **ANGUS KELLY MCGINTY**, the defendant, was an agent of a State and local government, and any agency thereof, whose duties included presiding as district judge of the 144th Judicial District Court, located in the State of Texas and County of Bexar.

4. Alberto Acevedo, Jr. ("Acevedo") was an attorney who practiced before **ANGUS KELLY MCGINTY** and represented clients in the 144th Judicial District Court, located in the State of Texas and County of Bexar.

5. "Mechanic" was a former client of Acevedo, who was a mechanic by trade and was cooperating with law enforcement.

6. "Jane Doe #1" was an individual who worked for the 144th Judicial District Court.

7. "John Doe #1" was a deputy district clerk assigned to the 144th Judicial District Court.

8. "John Doe #2" was an individual who worked for Acevedo.

9. "Criminal Defendant #1" was a criminal defendant arrested for and charged with driving while intoxicated (third offense) while on probation for the criminal offense of intoxication assault. Criminal Defendant #1 was later arrested on a charge of theft of property between \$500 and \$1,500. Criminal Defendant #1 was represented by Acevedo. Criminal Defendant #1's cases were assigned to the 144th Judicial District Court.

10. "Criminal Defendant #2" was a criminal defendant charged with aggravated robbery, a first degree felony, who was represented by Acevedo. Criminal Defendant #2's case was assigned to the 144th Judicial District Court.

11. "Criminal Defendant #3" was a criminal defendant charged with theft over \$200,000, who was represented by Acevedo. Criminal Defendant #3's case was assigned to the 144th Judicial District Court.

12. "Criminal Defendant #4" was a criminal defendant charged with driving while intoxicated (third offense), a third degree felony. Criminal Defendant #4's case was assigned to the 144th Judicial District Court.

13. "Attorney #1" was a defense attorney, who, along with Acevedo, represented Criminal Defendant #4.

14. From in or about January 2013 through in or about April 2013, **ANGUS KELLY MCGINTY** solicited and accepted bribes from Acevedo in the form of repairs to and the sale of **ANGUS KELLY MCGINTY's** 1992 Mercedes Benz 300CE ("1992 Mercedes"). Acevedo made arrangements to service, repair, and sell **ANGUS KELLY MCGINTY's** 1992 Mercedes. The services and repairs included the following: detailing the vehicle, painting the vehicle, color sanding the vehicle, replacing a motor mount, replacing a transmission mount, and painting a pin stripe on the vehicle. Acevedo paid for the repairs. The fair market value of the parts and labor used to do the repairs to **ANGUS KELLY MCGINTY's** 1992 Mercedes was approximately \$2,042.

15. From in or about May 2013 through in or about September 2013, **ANGUS KELLY MCGINTY** solicited and accepted bribes from Acevedo in the form of services and repairs to **ANGUS KELLY MCGINTY's** 2001 Mercedes Benz S430 ("2001 Mercedes"). Acevedo made arrangements for a series of repairs to **ANGUS KELLY MCGINTY's** 2001 Mercedes. The repairs included the following: replacing the left front fender, replacing the power steering pump and fluids, replacing a leaking fuel injector hose, replacing a blinker bulb on a mirror, refinishing the front driver's side door, refinishing the front passenger's side door, refinishing the headlights, and applying clear coat to the headlights. Acevedo paid for the repairs. The fair market value of the parts and labor used to do the repairs to the 2001 Mercedes was approximately \$4,613.

16. From in or about August 2013 through in or about September 2013, **ANGUS KELLY MCGINTY** solicited and accepted bribes from Acevedo in the form of registering and getting license plates for **ANGUS KELLY MCGINTY's** 2001 Mercedes. Acevedo made arrangements for Mechanic to register and get new license plates for **ANGUS KELLY**

**MCGINTY's** 2001 Mercedes. Acevedo reimbursed Mechanic for the cost of registering and getting license plates for **ANGUS KELLY MCGINTY's** 2001 Mercedes. The total cost of registering and getting license plates for **ANGUS KELLY MCGINTY's** 2001 Mercedes was approximately \$101.25, which included a \$20 tip.

17. In exchange for bribes from Acevedo, **ANGUS KELLY MCGINTY** used his official position to provide favorable judicial rulings and actions which benefitted Acevedo and his clients. **ANGUS KELLY MCGINTY** provided these favorable judicial rulings and actions to Acevedo and his clients upon request and as opportunities arose. These favorable judicial rulings and actions which benefitted Acevedo and his clients included leniency at sentencing and less restrictive conditions of release.

18. **ANGUS KELLY MCGINTY** took steps to hide, conceal, and cover up his corrupt activities and the nature and scope of his dealings with Acevedo, including: privately accepting things of value from Acevedo; entertaining *ex parte* requests from Acevedo on behalf of his clients; exercising official discretion, as a public servant, in judicial proceedings on the basis of considerations other than those authorized by law; exercising official discretion as judge of the 144th Judicial District Court in cases involving Acevedo and his clients without properly disclosing the conflict of interest inherent in **ANGUS KELLY MCGINTY's** corrupt dealings with Acevedo; failing to disclose the gifts received from Acevedo in **ANGUS KELLY MCGINTY's** personal financial statement for 2013; and taking steps to cover up and attempt to cover up the fact that Acevedo had provided things of value to **ANGUS KELLY MCGINTY** in exchange for official action.

Count 1

19. The allegations contained in paragraphs 1-18 are realleged and incorporated as if fully set forth herein.

20. From in or about January 2013 through in or about September 2013, in the Western District of Texas and elsewhere, the defendant, **ANGUS KELLY MCGINTY**, an agent of the State of Texas, a State government, and the County of Bexar, a local government, knowingly and intentionally, and with interdependence, combined, conspired, and agreed with Acevedo and others known and unknown to the grand jury, to commit the following offense against the United States: to corruptly solicit, demand, accept, and agree to accept anything of value from any person with the intent to be influenced and rewarded in connection with any business, transaction, and series of transactions of a State and local government and agency thereof, involving anything of value of \$5,000 or more, contrary to Title 18 United States Code, Section 666(a)(1)(B).

Purpose of the Conspiracy

21. It was a purpose of the conspiracy for **ANGUS KELLY MCGINTY** to enrich himself by soliciting, demanding, accepting, and agreeing to accept things of value from Acevedo, including car repairs and services to **ANGUS KELLY MCGINTY's** vehicles, knowing that the things of value were given in exchange for **ANGUS KELLY MCGINTY** using his official position for the benefit of Acevedo and his clients.

Manner and Means

22. The conspiracy was carried out through the following manner and means:

i. **ANGUS KELLY MCGINTY** corruptly solicited, demanded, accepted, and agreed to accept car repairs and services to **ANGUS KELLY MCGINTY's** vehicles from Acevedo.

ii. In exchange for the car repairs and services to **ANGUS KELLY MCGINTY's** vehicles that **ANGUS KELLY MCGINTY** solicited and received, **ANGUS KELLY MCGINTY** provided favorable judicial rulings and actions which benefitted Acevedo and his clients.

Overt Acts

23. In furtherance of the conspiracy, and to effect the object thereof, the following acts, among others, were committed in the Western District of Texas:

Overt Act 1

On or about January 17, 2013, **ANGUS KELLY MCGINTY** sent a text message to Acevedo, stating: "Hey Big Al, is it possible to get that guy to rebuff this Mercedes ? I want to put it up for sale. Thx amigo[.]" On or about January 18, 2013, Acevedo responded with a text message stating, "Yes[.]"

Overt Act 2

On or about April 16, 2013, **ANGUS KELLY MCGINTY** sent the following text message to Acevedo regarding the sale of the 1992 Mercedes: "Hey, thanks for the sale. I won't be in mañana. Lets meet up Thursday, if that's cool for you[.]"

Overt Act 3

On or about April 18, 2013, after Mechanic had "sold" **ANGUS KELLY MCGINTY's** 1992 Mercedes to the Federal Bureau of Investigation for \$3,500 as part of an undercover operation and after Mechanic had delivered the \$3,500 to Acevedo, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

Acevedo:	I have the rest of the money for the car
Acevedo:	I'm in judge [redacted] court
Acevedo:	5th floor of old court house
<b>ANGUS KELLY MCGINTY:</b>	Well I'm a whore for money. I went home after my medical procedure. I told [Jane Doe #1]. Can she come get it from you now?
Acevedo:	Sure
Acevedo:	5th floor
Acevedo:	Old court house

**ANGUS KELLY MCGINTY:** What's the court number?

**ANGUS KELLY MCGINTY:** Did [Jane Doe #1] get it?

Acevedo: Yes

**ANGUS KELLY MCGINTY:** Thanks Big Al[.]

Overt Act 4

On or about May 7, 2013, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

**ANGUS KELLY MCGINTY:** Hey, I got a hold of the owner of the Mercedes. I'm going to look at it. Your guy can do the repairs. Let me check it out

Acevedo: Ok[.]

Overt Act 5

On or about May 15, 2013, after **ANGUS KELLY MCGINTY** had purchased the 2001 Mercedes, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

**ANGUS KELLY MCGINTY:** Big Al, it needs; ABC pump, sheeve pulley (and belt) and 2 liters of petosin. Thank you

**ANGUS KELLY MCGINTY:** In case they need it, the VIN is: WDBNG70J11A199427

**ANGUS KELLY MCGINTY:** 2001 S430

Acevedo: Got it[.]

Overt Act 6

On or about May 15, 2013, **ANGUS KELLY MCGINTY** sent the following text message to Acevedo: "Hey amigo, were you going to text me that defendants name so I can get [John Doe #1] to take off scram?"

Overt Act 7

On about May 16, 2013, **ANGUS KELLY MCGINTY** issued an order, in the case of Acevedo's client Criminal Defendant #1, waiving the ankle monitor and the secure continuous remote alcohol monitor (SCRAM) device, by which **ANGUS KELLY MCGINTY** agreed to Acevedo's *ex parte* request to amend Criminal Defendant #1's conditions of release by waiving SCRAM, in spite of the fact that Criminal Defendant #1 had violated his probation and had been noncompliant with **ANGUS KELLY MCGINTY**'s previous orders to install SCRAM.

Overt Act 8

On or about May 17, 2013, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

Acevedo: [John Doe #1] has info on [Criminal Defendant #1]

**ANGUS KELLY MCGINTY:** I just spoke to him. It's done. Also, since he's on probation for Intox Asslt and picked up a new DWI, no driving appears entirely appropriate. Cool?

**ANGUS KELLY MCGINTY:** Call me when you're free[.]

Overt Act 9

On or about May 20, 2013, **ANGUS KELLY MCGINTY** sent a text message to Acevedo, stating: "Hey amigo, I'll bring the car to your office tomorrow morning. I'll call you when I'm close and maybe someone can come and get the keys from me. About 8:45-8:50 good?" Acevedo responded with a text message, stating: "Ok[.]"

Overt Act 10

On or about May 21, 2013, **ANGUS KELLY MCGINTY** dropped off his 2001 Mercedes at Acevedo's law office for repairs.



Overt Act 11

On or about May 21, 2013, **ANGUS KELLY MCGINTY** sent the following text message to Acevedo: "In addition to the drivers side mirror being loose, the car has a shimmy. Maybe alignment or tires. See what your guy thinks[.]"

Overt Act 12

On or about May 21, 2013, after Mechanic picked up **ANGUS KELLY MCGINTY's** 2001 Mercedes at Acevedo's law office to begin repairs, Acevedo gave Mechanic approximately \$500 of his own money to cover the cost of some of the repairs.

Overt Act 13

On or about May 22, 2013, Acevedo provided his credit card information to Mechanic so that Mechanic could order parts for **ANGUS KELLY MCGINTY's** 2001 Mercedes.

Overt Act 14

On or about May 22, 2013, Acevedo caused Mechanic, who was located in Texas, to order a power steering pump for **ANGUS KELLY MCGINTY's** 2001 Mercedes from a California-based company for approximately \$650 and to purchase it with a MasterCard issued to Acevedo, bearing an account number with the final four digits 8865, which was issued by First National Bank, George West, Texas.

Overt Act 15

On or about May 22, 2013, Acevedo caused Mechanic, who was located in Texas, to order a replacement fender for **ANGUS KELLY MCGINTY's** 2001 Mercedes from a California-based company for approximately \$134.82 and to purchase it with a MasterCard issued to Acevedo, bearing an account number with the final four digits 8865, which was issued by First National Bank, George West, Texas.

Overt Act 16

On or about May 29, 2013, Acevedo sent text messages to **ANGUS KELLY MCGINTY** advising that "Everything is in!" and "Car will be completely done by Saturday[.]"

Overt Act 17

On or about June 5, 2013, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

**ANGUS KELLY MCGINTY:** I'm so excited. What time do you think?

Acevedo: Hydraulic leaking. Still working on it. Ill send [John Doe #2] w/ trk to pick you up. Call me. Al[.]

Overt Act 18

On or about June 6, 2013, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

**ANGUS KELLY MCGINTY:** Hey big Al, I'm almost afraid to ask, car ready?

Acevedo: Checking

**ANGUS KELLY MCGINTY:** Any word?

Acevedo: You will have car by 2 pm tomorrow. I have my truck here if you need it. [John Doe #2] can take it to you. Al

**ANGUS KELLY MCGINTY:** Thx amigo. I'm at the vet. I have a car until mañana. Thank you so much for everything. I will definitely need it mañana

Acevedo: Got it

Acevedo: I'm pricing new tires for it

**ANGUS KELLY MCGINTY:** Al, Christ, you've done enough for me. Thank you so much. I'll text you mañana[.]

Overt Act 19

On or about June 7, 2013, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

**ANGUS KELLY MCGINTY:** Hey Big Al, I have a sentencing from 1:00 until about 2:00. When I'm done, can [John Doe #2] bring me the car and I'll run him back to your office?

Acevedo: Yes

**ANGUS KELLY MCGINTY:** Cool. Thx[.]

Overt Act 20

On or about June 7, 2013, after Mechanic dropped **ANGUS KELLY MCGINTY's** 2001 Mercedes off at Acevedo's law office, Acevedo caused John Doe #2 to put gasoline in **ANGUS KELLY MCGINTY's** 2001 Mercedes.

Overt Act 21

On or about June 7, 2013, Acevedo and John Doe #2 delivered the 2001 Mercedes to **ANGUS KELLY MCGINTY** after repairs to the vehicle had been completed.

Overt Act 22

On or about August 21, 2013, **ANGUS KELLY MCGINTY** exchanged the following text messages with Acevedo:

**ANGUS KELLY MCGINTY:** Hey amigo, I need to get new registration for my car. So I can then get judicial plates for my vanity

Acevedo: Ok[.]

Overt Act 23

On or about August 23, 2013, Acevedo called **ANGUS KELLY MCGINTY** and engaged in an *ex parte* communication in which Acevedo requested that **ANGUS KELLY MCGINTY** remove electronic monitoring from Criminal Defendant #2 without identifying Criminal Defendant #2's identity. **ANGUS KELLY MCGINTY** agreed to Acevedo's *ex parte* request to amend Criminal Defendant #2's conditions of release without being advised of Criminal Defendant #2's identity, the charges against Criminal Defendant #2, or Criminal Defendant #2's criminal history.

Overt Act 24

On or about August 23, 2013, as a result of an *ex parte* request from Acevedo, **ANGUS KELLY MCGINTY** approved an order amending Criminal Defendant #2's conditions of release on bond, which waived Global Positioning System monitoring.

Overt Act 25

On or about September 4, 2013, **ANGUS KELLY MCGINTY** sent Acevedo a text message which read: "Hey amigo. Can I drop the car at your office first thing in the morning? And do you have a loaner car I can borrow?"

Overt Act 26

On or about September 6, 2013, Acevedo engaged in an *ex parte* communication with **ANGUS KELLY MCGINTY** in which **ANGUS KELLY MCGINTY** agreed to recall Criminal Defendant #3's arrest warrant and Acevedo agreed to register **ANGUS KELLY MCGINTY's** 2001 Mercedes and to take care of any ticket that **ANGUS KELLY MCGINTY** might get because the registration on the 2001 Mercedes had expired.

Overt Act 27

On or about September 6, 2013, as a result of an *ex parte* request from Acevedo, **ANGUS KELLY MCGINTY** set aside the forfeiture of Criminal Defendant #3's bond, reinstated Criminal Defendant #3's \$30,000 bond, and recalled the warrant for Criminal Defendant #3's arrest.

Overt Act 28

On or about September 9, 2013, after Mechanic had obtained the vehicle registration documents and license plates for **ANGUS KELLY MCGINTY's** 2001 Mercedes, Acevedo reimbursed Mechanic for the cost of getting **ANGUS KELLY MCGINTY's** 2001 Mercedes registered.

Overt Act 29

On or about September 12, 2013, after Acevedo had made arrangements with **ANGUS KELLY MCGINTY** to have John Doe #2 pick up **ANGUS KELLY MCGINTY's** 2001 Mercedes for repairs and after Mechanic had looked at **ANGUS KELLY MCGINTY's** 2001 Mercedes, Acevedo advised **ANGUS KELLY MCGINTY** via telephone that parts were being ordered online and that the repairs would take a couple of days to complete. Acevedo told **ANGUS KELLY MCGINTY** that they would provide him with a car so that they would not have to rush the repairs.

Overt Act 30

On or about September 13, 2013, Acevedo advised **ANGUS KELLY MCGINTY** via telephone of needed repairs for **ANGUS KELLY MCGINTY's** 2001 Mercedes. Acevedo told **ANGUS KELLY MCGINTY** to write a list of all the little things that were going on with the 2001 Mercedes.

Overt Act 31

On or about September 13, 2013, after John Doe #2 had told Acevedo that **ANGUS KELLY MCGINTY** had asked John Doe #2 to wash the 2001 Mercedes and put gas in it, Acevedo washed **ANGUS KELLY MCGINTY's** 2001 Mercedes and put gas in it.

Overt Act 32

On or about September 13, 2013, **ANGUS KELLY MCGINTY** sent the following text message to Acevedo: "I missed your call. What's up? I'll be back in court for closing arguments at 1:00. What's situation with car?"

Overt Act 33

On or about September 13, 2013, approximately two days after **ANGUS KELLY MCGINTY** had rejected Attorney #1's request to sentence Criminal Defendant #4 to community supervision, **ANGUS KELLY MCGINTY** granted Acevedo's motion for reconsideration and

converted Criminal Defendant #4's sentence from a three-year term of incarceration to a four-year term of community supervision.

Overt Act 34

On or about September 13, 2013, **ANGUS KELLY MCGINTY** sent the following text message to Acevedo: "Hey big Al. Thank you for the clean car and gas. Very nice of you thank you[.]"

In violation of 18 U.S.C. § 371.

Count 2

24. The allegations contained in paragraphs 1-18 are realleged and incorporated as if fully set forth herein.

25. From in or about January 2013 through in or about September 2013, in the Western District of Texas and elsewhere, the defendant, **ANGUS KELLY MCGINTY**, an agent of the State of Texas, a State government, and an agent of the County of Bexar, a local government, did corruptly solicit, demand, accept, and agree to accept anything of value from any person with the intent to be influenced and rewarded in connection with any business, transaction, and series of transactions of such State government and local government and agency thereof, involving anything of value of \$5,000 or more, in that **ANGUS KELLY MCGINTY** accepted car repairs and services to vehicles belonging to **ANGUS KELLY MCGINTY** from Acevedo in exchange for **ANGUS KELLY MCGINTY** using his official position for the benefit of Acevedo and his clients.

In violation of 18 U.S.C. § 666(a)(1)(B).

Count 3

26. The allegations contained in paragraphs 1-18 are realleged and incorporated as if fully set forth herein.

27. Beginning in or about May 2013 until in or about June 2013, the defendant, **ANGUS KELLY MCGINTY**, knowingly attempted and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951. That is, **ANGUS KELLY MCGINTY** attempted to obtain and did obtain property to which he was not entitled from another person, with that person's consent, under color of official right, in that:

i. **ANGUS KELLY MCGINTY**, District Judge of the 144th Judicial District Court acting under color of official right, attempted to obtain and did obtain repairs to his 2001 Mercedes to which he was not entitled;

ii. **ANGUS KELLY MCGINTY** accepted the repairs to his 2001 Mercedes knowing that it was given in exchange for using his official position for the benefit of Acevedo and his clients.

In violation of 18 U.S.C. § 1951(a).

Counts 4-15

28. The allegations contained in paragraphs 1-18 are realleged and incorporated as if fully set forth herein.

29. From in or about January 2013 through in or about January 2014, in the Western District of Texas and elsewhere, the defendant, **ANGUS KELLY MCGINTY**, with intent to defraud, devised, intended to devise, and willfully participated in a scheme and artifice to defraud the State of Texas, the County of Bexar, and the citizens of the State of Texas and the County of Bexar of their right to the honest services of **ANGUS KELLY MCGINTY** through bribery and the concealment of material information.

Purpose of the Scheme

30. The purpose of the scheme was for **ANGUS KELLY MCGINTY** to enrich himself by soliciting and accepting gifts and other things of value from Acevedo, knowing that

the gifts and other things of value were given in exchange for **ANGUS KELLY MCGINTY** using his official position for the benefit of Acevedo and his clients.

Manner and Means

31. The scheme was carried out through the following manner and means:

i. **ANGUS KELLY MCGINTY** solicited, demanded, accepted, and agreed to accept things of value from Acevedo. The things of value included car repairs and services to **ANGUS KELLY MCGINTY's** vehicles.

ii. In exchange for these things of value, **ANGUS KELLY MCGINTY** provided judicial rulings and actions which benefited Acevedo and his clients. These favorable judicial rulings and actions included leniency at sentencing and less restrictive conditions of release for Acevedo's clients. **ANGUS KELLY MCGINTY** provided these favorable judicial rulings and actions as requested, and as opportunities arose.

iii. **ANGUS KELLY MCGINTY** took steps to hide, conceal, and cover up his corrupt activities and the nature and scope of his dealings with Acevedo, including: privately accepting things of value from Acevedo; entertaining *ex parte* requests from Acevedo on behalf of his clients; exercising official discretion, as a public servant, in judicial proceedings on the basis of considerations other than those authorized by law; exercising official discretion as Judge of the 144th Judicial District Court in cases involving Acevedo and his clients without properly disclosing the conflict of interest inherent in **ANGUS KELLY MCGINTY's** corrupt dealings with Acevedo; failing to disclose the gifts received from Acevedo in **ANGUS KELLY MCGINTY's** personal financial statement for 2013; and taking steps to cover up and attempt to cover up the fact that Acevedo had provided things of value to **ANGUS KELLY MCGINTY** in exchange for official action.



Interstate Nexus

32. Short Message System (“SMS”) text messaging allows users to send and receive text messages of up to 160 alphanumeric characters on a handset. SMS text messages are delivered using radio waves transmitted over an interstate cellular network facility.

33. **ANGUS KELLY MCGINTY** subscribed to cellular telephone service through the Sprint PCS cellular network, which has its SMS servers in Atlanta, Georgia; Reston, Virginia; and Lenexa, Kansas. As a result, when a party to an SMS text message is located anywhere except Georgia, Virginia, and Kansas, a text message transmitted via the Sprint PCS cellular network would cause a radio communication to be transmitted in interstate commerce.

Execution of the Scheme

34. On or about the dates and times listed below, in the Western District of Texas and elsewhere, the defendant, **ANGUS KELLY MCGINTY**, for the purpose of executing the above-described scheme and artifice to defraud, transmitted and caused to be transmitted by means of wire and radio communication in interstate commerce, the following writings, signs, signals, and pictures:

Count	Date	Time	Text Message
4	January 17, 2013	18:21:30 CST	Hey Big Al, is it possible to get that guy to rebuff this Mercedes ? I want to put it up for sale. Thx amigo
5	April 12, 2013	10:23:42 CDT	Hey, I forgot to ask you if you have the dudes \$ for the car?
6	April 18, 2013	15:00:51 CDT	Well I'm a whore for money. I went home after my medical procedure. I told [Jane Doe #1]. Can she come get it from you now?
7	May 7, 2013	12:45:04 CDT	Hey, I got a hold of the owner of the Mercedes. I'm going to look at it. Your guy can do the repairs. Let me check it out
8	May 15, 2013	08:13:08 CDT	Big Al, it needs; ABC pump, sheeve pulley (and belt) and 2 liters of petosin. Thank you
9	May 21, 2013	09:26:37 CDT	In addition to the drivers side mirror being loose, the car has a shimmy. Maybe alignment or tires. See what your guy thinks
10	June 6, 2013	13:51:34 CDT	Hey big Al, I'm almost afraid to ask, car ready?

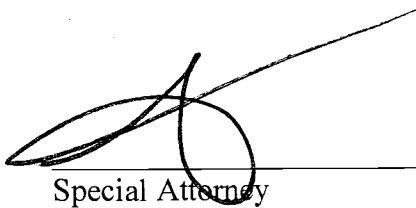
11	June 6, 2013	17:32:17 CDT	Al, Christ, you've done enough for me. Thank you so much. I'll text you mañana
12	August 21, 2013	10:52:13 CDT	Hey amigo, I need to get new registration for my car. So I can then get judicial plates for my vanity.
13	September 3, 2013	12:00:39 CDT	Hey Big Al, can your guy fix the lights and stuff on my car today or tomorrow? If so, I may need a loaner car. Also, my registration is expired. Need the title to register
14	September 4, 2013	13:27:14 CDT	Hey amigo. Can I drop the car at you office first thing in the morning? And do you have a loaner car I can borrow?
15	September 13, 2013	19:24:44 CDT	Hey big Al. Thank you for the clean car and gas. Very nice of you thank you

All in violation of 18 U.S.C. §§ 1343 and 1346.

A TRUE BILL:



FOREPERSON OF THE GRAND JURY



Special Attorney

RCW  
06/16/14 5:26PM